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Attorneys for Plaintiffs and Counter-Defendants
 NEO4J, INC. and NEO4J SWEDEN AB

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

NEO4J, INC., a Delaware corporation, and
 NEO4J SWEDEN AB, a Swedish
 corporation,

Plaintiffs,

v.

GRAPH FOUNDATION, INC., an Ohio
 corporation, GRAPHGRID, INC., an Ohio
 corporation, and ATOMRAIN INC., a
 Nevada corporation,

Defendants.

CASE NO. 5:19-cv-06226-EJD

**STIPULATION AND [PROPOSED]
 ORDER EXTENDING DEADLINE FOR
 FACT DISCOVERY MOTIONS FOR
 PHASE 1 ISSUES**

STIPULATION

Plaintiff and Counter-Defendants Neo4j, Inc. and Neo4j Sweden AB (collectively
 “Plaintiffs”) and Defendants Graph Foundation, Inc. (“GFI”), GraphGrid, Inc. and AtomRain Inc.
 in the action entitled *Neo4j, Inc. v. Graph Foundation, Inc.*, Case No. 3:19-cv-06226-EJD (“GFI
 Action”), by and through the parties’ respective attorneys, hereby submit this stipulation
 regarding the case schedule as follows:

1. On April 10, 2020, the Court granted the parties’ stipulation concerning the claims,
 counterclaims and affirmative defenses (“Phase 1 Issues”) that would be subject to the first

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1 motions for summary judgment/adjudication filed by each party. *See* GFI Action, Dkt. No. 45.
 2 This stipulation also set forth the case schedule for Phase 1.

3 2. On July 16, 2020, the Court granted the parties' stipulation further clarifying the
 4 scope of the Phase 1 Issues and adjusting the Phase 1 schedule to allow the Court sufficient time
 5 to rule on Neo4j USA's motion to dismiss challenging the viability of PureThink Defendants'
 6 trademark abandonment counterclaim and affirmative defense. *See* GFI Action, Dkt. No. 63.

7 3. On July 16, 2020, the Court also granted Plaintiffs leave to file their First
 8 Amended Complaint ("FAC") in the GFI Action. *See* GFI Action, Dkt. No. 64.

9 4. On August 21, 2020, the Defendants in the GFI Action filed motions to dismiss
 10 certain claims asserted against them in the FAC. *See* GFI Action, Dkt. Nos. 74-75. These
 11 motions were set to be heard by this Court on October 29, 2020. That hearing has been vacated
 12 and the motions were taken under submission by the Court. *See* GFI Action, Dkt. No. 85.

13 5. On September 21, 2020, the Court entered its Order on the Parties' stipulation
 14 modifying the Phase 1 Case Schedule to extend the deadlines for discovery and summary
 15 judgment briefing in Phase 1. *See* GFI Action, Dkt. No. 77.

16 6. Under the Court's September 21, 2020 Order, the last day to file discovery
 17 motions for Phase 1 issues is October 30, 2020 and to complete the deposition of GFI by
 18 October 23, 2020. *See* GFI Action, Dkt. No. 77.

19 7. The Parties are currently meeting and conferring with respect to several discovery
 20 disputes, including GFI's responses to two sets of requests for admissions propounded by Neo4j
 21 USA relating to Phase 1 issues. Due to circumstances relating to the remote nature, unresolved
 22 discovery issues and time difference of where the witness was located, the parties were unable to
 23 complete the deposition GFI, which commenced on October 16, 2020. As a result, the parties
 24 agreed to resume the deposition at 11:00 a.m. Pacific Time on November 6, 2020.

25 8. Due to scheduling issues, including the fact that GFI's counsel is in trial the week
 26 of October 26, 2020, the Parties will be unable to complete their meet and confer process and the
 27 completion of the deposition of GFI prior to the October 30, 2020 deadline for discovery
 28 motions. Therefore, to avoid having to file discovery motions that could be resolved through the

1 meet and confer process and the complete the deposition of GFI, the Parties have agreed that the
 2 deadline for discovery motions should be modestly extended to accommodate these scheduling
 3 issues and allow sufficient time for the parties to informally resolve any remaining disputes
 4 related to the foregoing. The parties further agree that such an extension is in the interest of
 5 judicial economy because it may reduce, or entirely avoid, the filing of any discovery motions.

6 9. In light of the foregoing, the Parties respectfully request that the Court modify the
 7 current case schedule in the GFI Action to extend the last day to file fact discovery motions for
 8 the aforementioned requests for admissions from October 30, 2020 to November 9, 2020, and for
 9 any issues that arise from the deposition of GFI from October 30, 2020 to November 13, 2020.

10 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

11 Dated: October 27, 2020

HOPKINS & CARLEY
A Law Corporation

12
13 By: /s/ Jeffrey M. Ratinoff
 14 Jeffrey M. Ratinoff
 Attorneys for Plaintiffs NEO4J, INC. and
 NEO4J SWEDEN AB

15 Dated: October 27, 2020

BERGESON, LLP

16
17 By: /s/ John D. Pernick
 18 John D. Pernick
 Attorneys for Defendant
 GRAPH FOUNDATION, INC.

19 Dated: October 27, 2020

SKAGGS FAUCETTE LLP

20
21 By: /s/ Jeffrey E. Faucette
 22 Jeffrey E. Faucette
 Attorneys for Defendants GRAPHGRID,
 INC. and ATOMRAIN INC.

23 **IT IS SO ORDERED.**

24
25 Dated: _____

26 EDWARD J. DAVILA
 27 United States District Court Judge
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ATTESTATION OF E-FILED SIGNATURE

Pursuant to Local Rule 5-1(i)(3), I hereby certify that I have obtained the concurrence in the filing of this document from all signatories for whom a signature is indicated by a “conformed” signature (/s/) within this electronically filed document and I have on file records to support this concurrence for subsequent production to the Court if so ordered or for inspection upon request.

Dated: October 27, 2020

HOPKINS & CARLEY
A Law Corporation

By: /s/ Jeffrey M. Ratinoff

John V. Picone III
Jeffrey M. Ratinoff
Attorneys for Plaintiffs
NEO4J, INC. and NEO4J SWEDEN AB